

Introduced by Senator DeSaulnier

February 15, 2011

An act to amend Section 11165 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 360, as introduced, DeSaulnier. Controlled Substance Utilization Review and Evaluation System.

Existing law classifies certain controlled substances into designated schedules. Under existing law, unlawful possession of specified controlled substances is either a misdemeanor or a felony. Existing law requires the Department of Justice, contingent upon the availability of adequate funds from various funds related to health care, as specified, to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11165 of the Health and Safety Code is
- 2 amended to read:
- 3 11165. (a) To assist law enforcement and regulatory agencies
- 4 in their efforts to control the diversion and resultant abuse of

1 Schedule II, Schedule III, and Schedule IV controlled substances,
2 and for statistical analysis, education, and research, the Department
3 of Justice shall, contingent upon the availability of adequate funds
4 from the Contingent Fund of the Medical Board of California, the
5 Pharmacy Board Contingent Fund, the State Dentistry Fund, the
6 Board of Registered Nursing Fund, and the Osteopathic Medical
7 Board of California Contingent Fund, maintain the Controlled
8 Substance Utilization Review and Evaluation System (CURES)
9 for the electronic monitoring of the prescribing and dispensing of
10 Schedule II, Schedule III, and Schedule IV controlled substances
11 by all practitioners authorized to prescribe or dispense these
12 controlled substances.

13 (b) The reporting of Schedule III and Schedule IV controlled
14 substance prescriptions to CURES shall be contingent upon the
15 availability of adequate funds from the Department of Justice. The
16 ~~Department of Justice~~ *department* may seek and use grant funds
17 to pay the costs incurred from the reporting of controlled substance
18 prescriptions to CURES. Funds shall not be appropriated from the
19 Contingent Fund of the Medical Board of California, the Pharmacy
20 Board Contingent Fund, the State Dentistry Fund, the Board of
21 Registered Nursing Fund, the Naturopathic Doctor's Fund, or the
22 Osteopathic Medical Board of California Contingent Fund to pay
23 the costs of reporting Schedule III and Schedule IV controlled
24 substance prescriptions to CURES.

25 (c) CURES shall operate under existing provisions of law to
26 safeguard the privacy and confidentiality of patients. Data obtained
27 from CURES shall only be provided to appropriate state, local,
28 and federal persons or public agencies for disciplinary, civil, or
29 criminal purposes and to other agencies or entities, as determined
30 by the Department of Justice, for the purpose of educating
31 practitioners and others in lieu of disciplinary, civil, or criminal
32 actions. Data may be provided to public or private entities, as
33 approved by the Department of Justice, for educational, peer
34 review, statistical, or research purposes, provided that patient
35 information, including any information that may identify the
36 patient, is not compromised. Further, data disclosed to any
37 individual or agency as described in this subdivision shall not be
38 disclosed, sold, or transferred to any third party.

39 (d) For each prescription for a Schedule II, Schedule III, or
40 Schedule IV controlled substance, the dispensing pharmacy or

1 clinic shall provide the following information to the Department
2 of Justice on a weekly basis and in a format specified by the
3 Department of Justice:

4 (1) Full name, address, and the telephone number of the ultimate
5 user or research subject, or contact information as determined by
6 the Secretary of the United States Department of Health and Human
7 Services, and the gender, and date of birth of the ultimate user.

8 (2) The prescriber's category of licensure and license number;
9 federal controlled substance registration number; and the state
10 medical license number of any prescriber using the federal
11 controlled substance registration number of a government-exempt
12 facility.

13 (3) Pharmacy prescription number, license number, and federal
14 controlled substance registration number.

15 (4) NDC (National Drug Code) number of the controlled
16 substance dispensed.

17 (5) Quantity of the controlled substance dispensed.

18 (6) ICD-9 (diagnosis code), if available.

19 (7) Number of refills ordered.

20 (8) Whether the drug was dispensed as a refill of a prescription
21 or as a first-time request.

22 (9) Date of origin of the prescription.

23 (10) Date of dispensing of the prescription.

24 (e) This section shall become operative on January 1, 2005.